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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

13 EXAMWORKS, LLC, a Delaware limited
14 liability company,

15 Plaintiff,

16 v.

17 TODD BALDINI, an individual, ABYGAIL
18 BIRD, an individual, LAWRENCE STUART
19 GIRARD, an individual, PAMELLA TEJADA,
an individual, ROE CORPORATION, and
DOES 1 through 10,

20 Defendants.

Case No. 2:20-CV-00920-KJM-DB

**STIPULATION FOR PERMANENT
INJUNCTION AND ENTRY OF
JUDGMENT AS TO
DEFENDANT ABYGAIL BIRD**

Judge: Hon. Kimberly J. Mueller

1 Plaintiff ExamWorks LLC and Defendant Abygail Bird (collectively the “Parties”) hereby
2 stipulate as follows:

3 ExamWorks contends that Defendant misappropriated confidential information and trade
4 secrets as alleged in the Complaint in this action (ECF No. 1) and set forth in briefing in support
5 of injunctive relief (ECF Nos. 4–6, 21, 27, 39, 54, 57).

6 Defendant denies each of ExamWorks’ contentions and allegations and disclaims any
7 wrongdoing whatsoever.

8 Notwithstanding Defendant’ denial, Defendant consents to an order for entry of
9 permanent injunction as follows:

10 1. Defendant and all persons in active concert or participation with her are hereby
11 enjoined from acquiring, accessing, disclosing, or using, or attempting to acquire, access,
12 disclosure, or use any trade secrets or confidential information of ExamWorks, or derivatives
13 thereof, as described in the complaint in this action, including, but not limited to, any documents
14 that discuss, forward, reference, or incorporate the trade secrets or confidential information of
15 ExamWorks. For purposes of this order, the legal definition of “trade secret” is all nonpublic
16 “forms and types of financial, business, scientific, technical, economic, or engineering
17 information, including patterns, plans, compilations, program devices, formulas, designs,
18 prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or
19 intangible, and whether or how stored, compiled, or memorialized physically, electronically,
20 graphically, photographically, or in writing.” See 18 U.S.C. § 1839(3). For purposes of this
21 order, “confidential information” means all other information belonging to or otherwise relating
22 to the business of ExamWorks or its affiliates which is not generally known.

23 2. Defendant and all persons in active concert or participation with her are ordered to
24 return, without delay, all ExamWorks trade secrets and confidential information in their
25 possession, custody, or control to the office of counsel for ExamWorks (Catherine Lui, Orrick,
26 Herrington & Sutcliffe LLP, 400 Capitol Mall # 3000, Sacramento, CA 95814) to the extent there
27 are not materials already turned over to the ExamWorks or a forensic expert working on
28 ExamWorks’ behalf.

3. The Ninth Circuit has issued its opinion as to the appeal of the preliminary injunction but the mandate has not been issued by the Ninth Circuit, returning the jurisdiction of the preliminary injunction to this Court. The district court may modify the injunction as to this paragraph. Ms. Bird will be bound by whatever injunction the district court issues and this stipulated Order shall be construed as modified such that it is consistent with the decision of the district court in applying the Ninth Circuit's guidance.

4. This Court retains continuing jurisdiction for purposes of enforcement of the judgment and to issue such orders, modification, and awards for damages, costs, and fees as the Court deems appropriate.

The Court finds that there is no just reason for delay in entering this Permanent Injunction and Judgment and, pursuant to Federal Rule of Civil Procedure 54, the Court directs immediate entry of this Permanent Injunction and Judgment against Defendant Abygail Bird.

SO STIPULATED.

Dated: January 26, 2021

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Robert S. Shwartz

ROBERT S. SHWARTS
Attorneys for Plaintiff
ExamWorks, LLC

Dated: January 26, 2021

FORD HARRISON LLP

By: /s/ *Daniel C. Chammas*

DANIEL C. CHAMMAS
Attorneys for Defendants Todd Baldini, L.
Stuart Girard, and Abygail Bird

The court finding no reason to modify any substantive provision of the parties' stipulated injunction in light of the Ninth Circuit decision in this matter, IT IS SO ORDERED.

Dated: March 24, 2021.

CHIEF UNITED STATES DISTRICT JUDGE